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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,154	12/06/2001	Richard T. Skiffington	0656-008US6	1022
32665 7590 01/18/2008 LESLIE MEYER-LEON, ESQ. IP LEGAL STRATEGIES GROUP P.C. 1480 FALMOUTH ROAD P.O. BOX 1210 CENTERVILLE, MA 02632-1210			EXAMINER BEISNER, WILLIAM H	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10014154	12/6/01	SKIFFINGTON ET AL.	0656-008US6

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ART UNIT	PAPER
1797	20080114

DATE MAILED:

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Commissioner for Patents

As required by the Board of Patent Appeals and Interferences in the remand on Dec. 7, 2007, a corrected Claims appendix is attached to this communication.

Any inquiry concerning this communication should be directed to William H. Beisner at telephone number 571-272-1269.

Attachment: Corrected Claims Appendix

/William H. Beisner/  
Primary Examiner  
Art Unit: 1797

### VIII. Claims Appendix

(Formatted for reissue application per MPEP § 1454)

1. (twice amended) A unit dose reagent chamber for use in a test apparatus for the detection of adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] in a test sample, and wherein a moveable probe is employed to obtain a test sample and to release reagents from the reagent chamber to a test unit, which unit dose chamber comprises:

- a) a cylinder having a one open end and an other opposite open end;
- b) a probe-puncturable membrane seal over the one end and the other end of the cylinder to form a sealed compartment; and
- c) a reagent composition [for use in the detection of the test sample and sealed] within the sealed compartment, which composition consists essentially of and is selected from the group consisting of:
  - i) a detergent-containing buffered solution to release adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] from the test sample into the solution for testing; and
  - ii) [a reaction stopping solution having a pH of 8 to 11; and
  - iii)] a luciferin-luciferase [or phosphatase substrate] reagent [tablet].

2. (original) The chamber of claim 1 wherein the membrane seal comprises aluminum foil.

5. (twice amended) In combination, the chamber of claim 1 in a test apparatus for the detection of adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] in a test sample, wherein the reagent composition is a detergent-containing buffered solution to release adenosine triphosphate (ATP) from the test sample into the solution for testing, which test apparatus includes a luciferin-luciferase [or phosphatase substrate] reagent for reaction with the released adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] in the solution.

6. (amended 2/03) The combination of claim 5 wherein the test apparatus [includes] further comprises a longitudinally moveable probe to puncture the membrane seals[ to carry out the test].

7. (amended) The combination of claim 5 wherein the test apparatus [includes] further comprises a closed bottom end, transparent test unit at the one end of the test apparatus, and wherein one or more unit dose reagent chambers are longitudinally positioned in the test unit.

10. (three times amended) The combination of claim 7 wherein the reagent composition is a detergent-containing buffered solution to release adenosine triphosphate (ATP) from the test sample into the solution for testing [sealed compartment comprises the buffered-detergent solution] and wherein said test apparatus includes a luciferase and a luciferin reagent [in tablet form] at the bottom end of the test unit.

12. (twice amended) The chamber of claim 1, wherein the reagent composition is selected from the group consisting of i) a detergent-containing buffered solution to release adenosine triphosphate (ATP) from the test sample into the solution for testing; and ii) a luciferin-luciferase reagent, and wherein the reagent composition includes a biological buffer solution to optimize a reaction for the detection of adenosine triphosphate (ATP) [or alkaline phosphatase (AP)].

14. (three times amended) A test apparatus for the detection of adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] in a test sample, by luminescence [or color], which test apparatus comprises:

- a) a longitudinal test apparatus housing having a one end and an other end;
- b) a moveable probe within the housing to collect a test sample and arranged to puncture a membrane seal;
- c) a transparent test unit having a one end and a closed bottom end extending from the one end of the housing for use in detecting luminescence [or color] in the test sample, and a first reagent [tablet] composition to detect adenosine triphosphate (ATP) [or alkaline phosphatase (AP)], by [color or] luminescence, at the closed bottom end; and
- d) one or more unit dose reagent chambers longitudinally-positioned in the test unit, which reagent chamber comprises:
  - i) a cylinder having a one open end and an other opposite open end;
  - ii) a probe-puncturable membrane seal at and over the one end and the other end of the cylinder to form a sealed compartment; and
  - iii) a second reagent composition for use in the detection of adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] in the test sample and sealed within the sealed compartment, which reagent composition comprises a buffered solution to release adenosine triphosphate (ATP) [or alkaline phosphatase (AP)] from the test sample into the solution for subsequent reaction with the first reagent [tablet] composition.

15. (original) The apparatus of claim 14 wherein the membrane seal comprises aluminum foil.

17. (twice amended) The apparatus of claim 14 wherein the test unit has an open top end [with threads] and a closed bottom end and is detachably [removedly, threadably] secured to one end of the test apparatus.

18. (original) The apparatus of claim 14 wherein the one end of the test unit is sealed with a probe-puncturable membrane.

19. (twice amended) The apparatus of claim 14 wherein the sealed compartment comprises a buffer-detergent solution and a luciferase and a luciferin substrate, as a reagent [tablet], is at the bottom end of the test unit.

23. (twice amended) A transparent test unit for use in a test apparatus for the detection of a test sample, which test unit comprises: a one end; a closed bottom end; a probe-puncturable membrane over the one end; and the one end having means for detachably securing the test unit to the test apparatus and the test unit having one or more unit dose reagent chambers, which unit dose chamber comprises:

a) a cylinder having a one open end and an other opposite open end;

b) a probe-puncturable membrane seal over the one end and the other end of the cylinder to form a sealed compartment; and

c) a reagent composition for use in the detection of the test sample and sealed within the sealed compartment; and [The test unit of claim 21] wherein the test unit includes a luciferin-luciferase reagent [tablet].

24. (added; amended) The apparatus of claim 19, wherein said luciferase and said luciferin reagent are in tablet form.

26. (added) The test unit of claim 23, wherein said luciferin-luciferase reagent is a luciferin-luciferase tablet.

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